

**CITY COUNCIL MEETING
OF THE CITY OF LINN VALLEY, KANSAS
SEPTEMBER 23, 2024
AGENDA**

CALL TO ORDER

1. ROLL CALL

MAYOR DONELSON	PRESIDENT SUPPENBACH	GRAVELLE
HEMPHILL	DONHAM	WEERS

2. PLEDGE OF ALLEGIANCE

3. PROCLAMATION

4. APPROVAL OF MINUTES

A. SEPTEMBER 9, 2024, REGULAR MEETING

B. SEPTEMBER 11,2024, SPECIAL MEETING

5. EVERGY FRANCHISE FEE-ORDINANCE 266

6. VANVLACK-SNOW REMOVAL

7. COMPANY ISSUED CELL PHONE POLICY

8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. PUBLIC COMMENTS

11. ADJOURNMENT



Proclamation

On this 23rd day of September 2024, I Mayor Lewis Donelson deliver this Proclamation for the entire City of Linn Valley to observe and recognize this day as the Birthday for the Linn Valley Community Church.

Whereas, It is the desire of the Mayor and the City Council of the City of Linn Valley, Kansas to recognize the institution of Faith, a nondenominational Church, Linn Valley Community Church,

Whereas, Linn Valley Community Church was Founded on October 2, 1994 commemorates its 30th Church Anniversary on October 2, 2024, and

Whereas, Currently being blessed with the task of Pastoring is Reverend David VanBebber since October 31, 2021, and

Whereas, under the careful supervision and directorship of the church secretary since May 15, 2019 is Patti Seymour, and,

Whereas, a group of people from the Linn Valley Community who had a the vision of what is represented today, that are the following,

Ann Keffer Jerry Moore Dale Malaise Lois Miller and,

Whereas, Linn Valley Community Church has contributed to the community for 30 years through volunteering, youth programs, community involvement and with out saying, spiritual enrichment through worship services, and

Now Therefore, I Mayor Lewis Donelson and the entire City Council of Linn Valley, Kansas

Robert Suppenbach Richard Gravelle Michael Hemphill
Dan Donham John Weers

In appreciation of the Linn Valley Community Church's continued achievements and success in our community, and

In Witness thereof, I Lewis Donelson, Mayor of the City of Linn Valley, Kansas, do hereby affix my official signature and on the twenty-third day of September in the year of our Lord 2024.

Signed _____
Lewis Donelson, Mayor

Attest _____
Mendi Cyr, City Clerk

**MEETING OF THE CITY COUNCIL
OF LINN VALLEY, KANSAS
SEPTEMBER 9, 2024
6:00 pm**

Mayor Lewis Donelson called the meeting to order at 6:00 pm.

COUNCIL MEMBERS PRESENT: Richard Gravelle, Robert Suppenbach, Michael Hemphill,
John Weers.

COUNCIL MEMBERS ABSENT: Dan Donham

ALSO IN ATTENDANCE: City Attorney James Brun
Public Safety Director Corey Murrison.

APPROVAL OF MINUTES:

Council President Suppenbach made the motion to approve the August 26, 2024, meeting minutes with the addition that the council computers will not exceed \$1500.00. Councilman Weers seconded the motion, motion carried 4-0.

CONSTITUTION WEEK PROCLAMATION:

Mayor Donelson read the Proclamation for Constitution Day; he then signed the document.

CLERK REPORT

City Clerk Mendi Cyr reported the total income for August 2024 was \$57,297.67 and total Vouchers were \$136,316.70, also, reported that the Public Safety Reserve fund is now at \$18,586.17. Councilman Weers made the motion to approve the August vouchers on the amount of \$136,316.70. Councilman Hemphill seconded the motion, motion carried 4-0.

MAYOR REPORT

Mayor Donelson clarified the cost of the computers being purchased for council members; the total cost was not to exceed \$1500.00 for all computers. He also corrected information regarding the new City Hall. During the meeting on August 26, 2024, the council rescinded and unadopted Resolution 128, that was approved on February 26, 2024, to build a new city hall. The vote to rescind was a 4-1 vote. Council President Suppenbach also withdrew his motion to accept BG Consultants PAR, which is a feasibility study for the new City Hall, the study was going to cost the City \$9350.00, the governing body chose to not move forward with that contract. The council also rescinded and unadopted Resolution 133 with a 3-2 vote, that was approved on June 24, 2024, for an Economic Development Committee. This city council decided, after listening to the community, that building a new City Hall is not what the community wanted. There is still a need for City Hall, but it does not have to be addressed at this moment, there are other projects that need attention now.

SEWER REPORT

Page Enterprises submitted the report for the month of August. The council had no questions for Mr. Page.

NUISANCE/BUILDING REPORT

Mr. German reported there have been 170 permits submitted this year, 154 of them have been approved there are currently 105 open permits. In August 2024 he did 38 inspections for a total of 307 this year. Several violation letters have been sent out for codes. The roof will be replaced on the Annex building on Wednesday.

PUBLIC SAFETY REPORT

Public Safety Director Murrison reported that the Fire department assisted with the Dance Fest topia. Labor Day weekend was mild weekend.

ORDINANCE 264

Council President Suppenbach made the motion to adopt Ordinance 264, the Standard Traffic Ordinance by the City of Linn Valley, otherwise regulating the traffic within the city and repealing ordinance 259. Councilman Weers seconded the motion, carried 4-0.

ORDINANCE 265

Councilman Weers made the motion to adopt Ordinance 265, the uniform public offense code by the City of Linn Valley and repealing Ordinance 251. Council President Suppenbach seconded the motion, carried 4-0.

RESOLUTION 132

Councilman Hemphill made the motion to adopt Resolution 132, authorizing certain individuals to sign checks, transfer funds, and make certain expenditures for the City of Linn Valley. Councilman Weers seconded the motion, carried 4-0.

WATER PROJECT

In August BG Consultants updated the committee and Mayor on progress. A town hall meeting is in the works for October. There are a few easements that still need to be signed. The project is slowly moving forward.

WASTEWATER PROJECT

Councilman Gravelle reported the last update he had is that it was still with the State.

FRANCHISE FEES

The City Attorney requested an Executive Session. Councilman President Suppenbach made the motion for a five (5) executive session to return at 6:35pm for Legal. The motion was seconded by Councilman Weers, carried 4-0.

Mayor Donelson called the meeting back to order at 6:35pm with no action taken.

Council President Suppenbach made the motion to have Legal draft Ordinance 266 that allows Mayor Lewis Donelson to sign the franchise fee contract with Evergy to raise franchise fees from 2% to 5%. Councilman Weers seconded the motion, carried 3-1.

ADJOURNMENT

Council President Suppenbach made the motion to adjourn the City Council Meeting. Councilman Hemphill seconded the motion, carried 4-0

Meeting Adjourned at 6:37pm.

Submitted by:
Mendi Cyr
City Clerk

SPECIAL MEETING
LINN VALLEY CITY COUNCIL
SEPTEMBER 11, 2024
6:00pm

Mayor Donelson called the meeting to order at 6:00pm.

Council Members Present: Richard Gravelle, Robert Suppenbach, Michael Hemphill
Dan Donham, and John Weers

Also in attendance: James Brun, City Attorney
Corey Murrison, Public Safety Director

Agenda: Cyber Security

Mayor Donelson explained that recent developments have prompted an internal cyber security check on all city computers. In the past cyber security has not been a priority, but times are changing. The initial fee for the security check is \$150.00 per hour. This company will do an initial security check and present us with a report.

Mayor Donelson requested a five (5) minute Executive Session for Security. Council President Suppenbach made a motion to move into Executive Session for five (5) minutes to discuss Security to return at 6:09pm.

At 6:09pm Council President Suppenbach, Councilman Weers, and Councilman Hemphill returned. Council President Suppenbach made a motion to extend the Executive Session for five (5) more minutes to return at 6:14pm. Councilman Weers seconded the motion, carried 3-0.

Mayor Donelson called the meeting back to order at 6:14pm with no action taken.

At this point the mayor will move forward with the initial security check, keeping the council informed of any developments.

Council President Suppenbach explained the first level of security is the human level, and that training will need to be done also.

Council President Suppenbach made the motion to adjourn the special meeting. Council Hemphill seconded the motion, carried 5-0.

Meeting adjourned at 6:24pm.

Submitted by:
Mendi Cyr
City Clerk

ORDINANCE NO. 266

AN ORDINANCE, granting to Evergy Kansas Metro, Inc., a Kansas Corporation, its successors and assigns, an electric franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof.

BE IT ORDAINED BY THE GOVERNING BODY OF: Linn Valley, Kansas.

SECTION 1. That in consideration of the benefits to be derived by the City of Linn Valley, Kansas, and its inhabitants, there is hereby granted to Evergy Kansas Central, Inc., a Kansas Corporation, hereinafter sometimes designated as "Company," said Company being a corporation engaged in the business of selling and furnishing electric power throughout the state of Kansas and to the inhabitants of the City, the right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance, to occupy and use the several streets, avenues, alleys, bridges, parks, parking, and public places of said City, for the placing and maintaining of equipment and property necessary to carry on the business of selling and distributing electricity for all purposes to the City, and its inhabitants, and through said City and beyond the limits thereof; to obtain said electricity from any source available; and to do all things necessary or proper to carry on said business in the City.

SECTION 2. In consideration of the premises, the Company agrees to pay to the City of Linn Valley, Kansas, and the City of Linn Valley agrees to accept as adequate compensation and consideration for the Franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees, five percent (5%) of the total of the gross receipts charged and collected for electric energy sold for domestic, commercial and industrial consumption by the Company to all consumers located in the present or future corporate boundaries of the City of Linn Valley during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a semi-annual basis on or before each May 31 and November 30 for the years in which this Franchise remains in effect, reflecting such electric energy sold for the six months' period. The term "gross receipts," as used in the Section shall not include (1) the electrical energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold for other use which cannot be classified as domestic, commercial or industrial, such as the electrical energy used by public utilities, telephone, telegraph, and radio communication companies, railroads, pipe line companies, educational institutions not operating for profit, churches and charitable institutions, (3) the electrical energy sold for resale, and (4) the amounts paid to the City pursuant to this Section.

SECTION 3. That Company, its successors and assigns, in the construction, maintenance, and operation of its electric transmission, distribution and street lighting system, shall use all reasonable and proper precaution to avoid damage or injury to persons and property, and shall hold and save harmless the City, from any and all damage, injury and expense caused by the negligence of said Company, its successors and assigns, or its or their agents or servants.

SECTION 4. After the approval of this ordinance by the City, Company shall file with the City Clerk, the Company's unconditional written acceptance of this ordinance. Said ordinance shall become effective and be in force and shall be and become a binding contract between the parties hereto, their successors and assigns, from and after the first day of the first month after such acceptance is provided by said Company to the City after its final passage, approval and publication as required by law, and acceptance by said Company.

SECTION 5. That this ordinance, when accepted as above provided, shall constitute the entire agreement between the City and Company relating to this franchise and the same shall supersede and cancel any prior understandings, agreements, or representations regarding the subject matter hereof, or involved in negotiations pertaining thereto, whether oral or written.

SECTION 6. This franchise is granted pursuant to the provisions of K.S.A. 12-2001.

SECTION 7. That any and all ordinances or parts of ordinances in conflict with the terms hereof are hereby repealed.

SECTION 8. The Company will file this ordinance with the State Corporation Commission of Kansas. Should the State Corporation Commission take any action with respect to this franchise ordinance, which would or may preclude Evergy Kansas Central, Inc., a Kansas Corporation, from recovering from its customers any cost provided for hereunder, the parties hereto shall renegotiate this ordinance in accordance with the State Corporation Commission's ruling.

SECTION 9. A franchise shall be assignable only in accordance with the laws of the State of Kansas, as the same may exist at the time when any assignment is made. In the event of any assignment of this franchise, Company shall be released from all obligations which are assumed in writing by its assignee upon the signing by such assignee of an assumption of the franchise being assigned.

PASSED and APPROVED this 23rd day of September 2024.

Mayor

Attest:

City Clerk

AGREEMENT BETWEEN THE CITY OF LINN VALLEY, KANSAS
AND SNOW REMOVAL CONTRACTOR.

AGREEMENT: This Agreement (Contract) is made this ___ day of _____, 2024, between VanVlack Lawn Care Service (Contractor) and the City of Linn Valley (City)

PURPOSE: The City hires the Contractor to routinely throughout the winter season to:

- D Snowplow entrance
- D Snowplow Parking lots
- D Shovel all Walkways
- D Apply De-Icing to Requested Areas

Areas to be serviced are shown in the attachments. The Contractor agrees to furnish all labor, equipment, fuel, and supplies needed to ensure clear safe entryways, parking lots and walkways. The contractor will have control over the work and the way it is performed.

PRICE AND PAYMENT: The City agrees to pay the Contractor for performance of the work, the sum of \$80.00 per hour, two hour minimum, subject to adjustments for changes in the work as may be agreed to by the City and the Contractor. The invoice or bill shall be submitted to the City Clerk for payment.

TERM: This agreement will commence upon December 1, 2024, and continue until April 1, 2025. The agreement may be renewed upon agreement between the City and the Contractor.

INSURANCE: The Contractor shall maintain and provide certificates for Commercial General Liability Insurance with a minimum of \$1,000,000 and Workers' Compensation Insurance with a minimum of \$500,000.

TERMINATION: The City reserves the right to terminate the work, upon giving notice, in writing, to the Contractor. In such an event, the Contractor shall be paid its actual costs for the portion of the work performed to the date of termination.

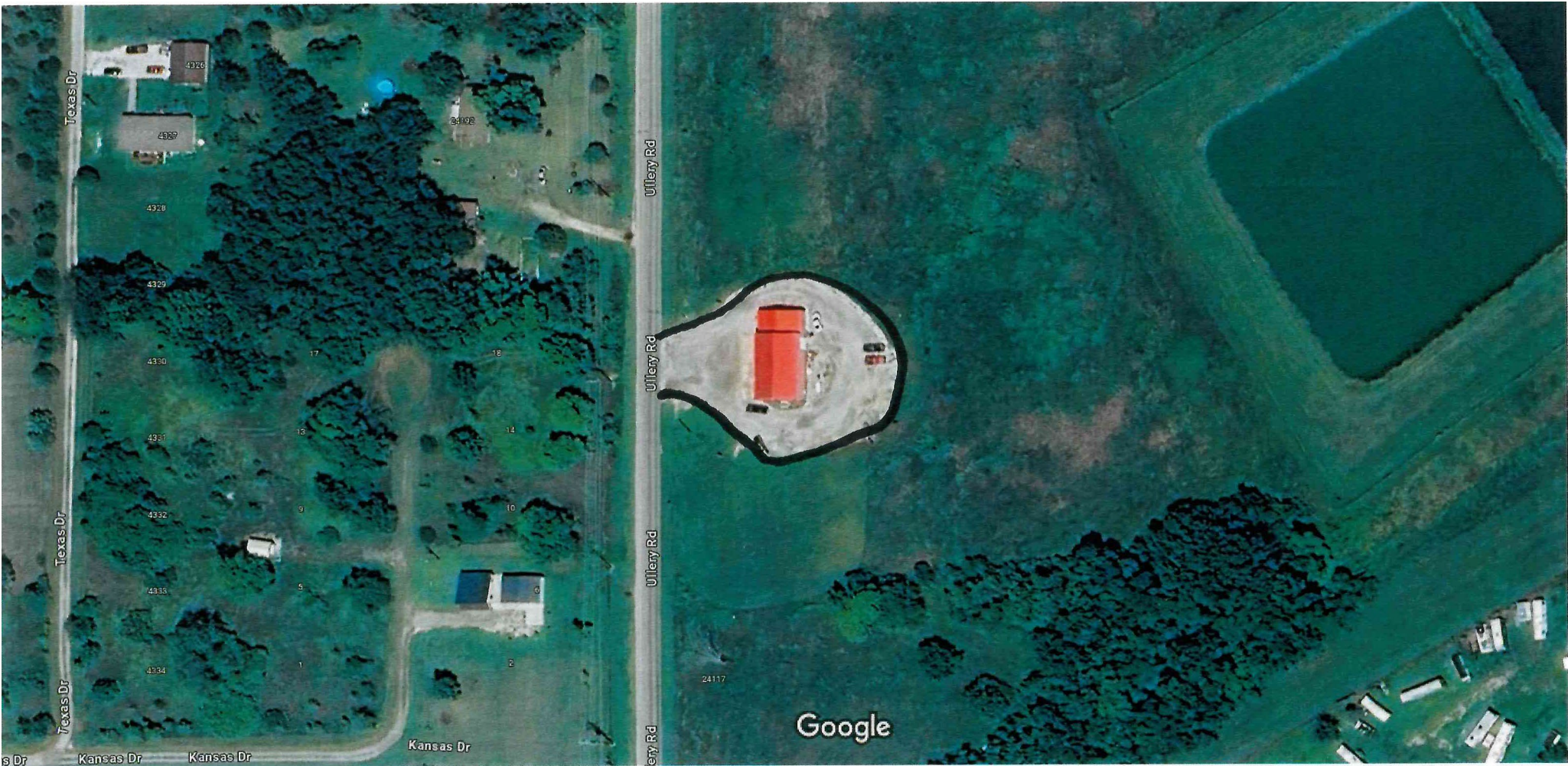
TERMS OF AGREEMENT: This contract is in full force and effect from the start date of this contract until this contract is finished.

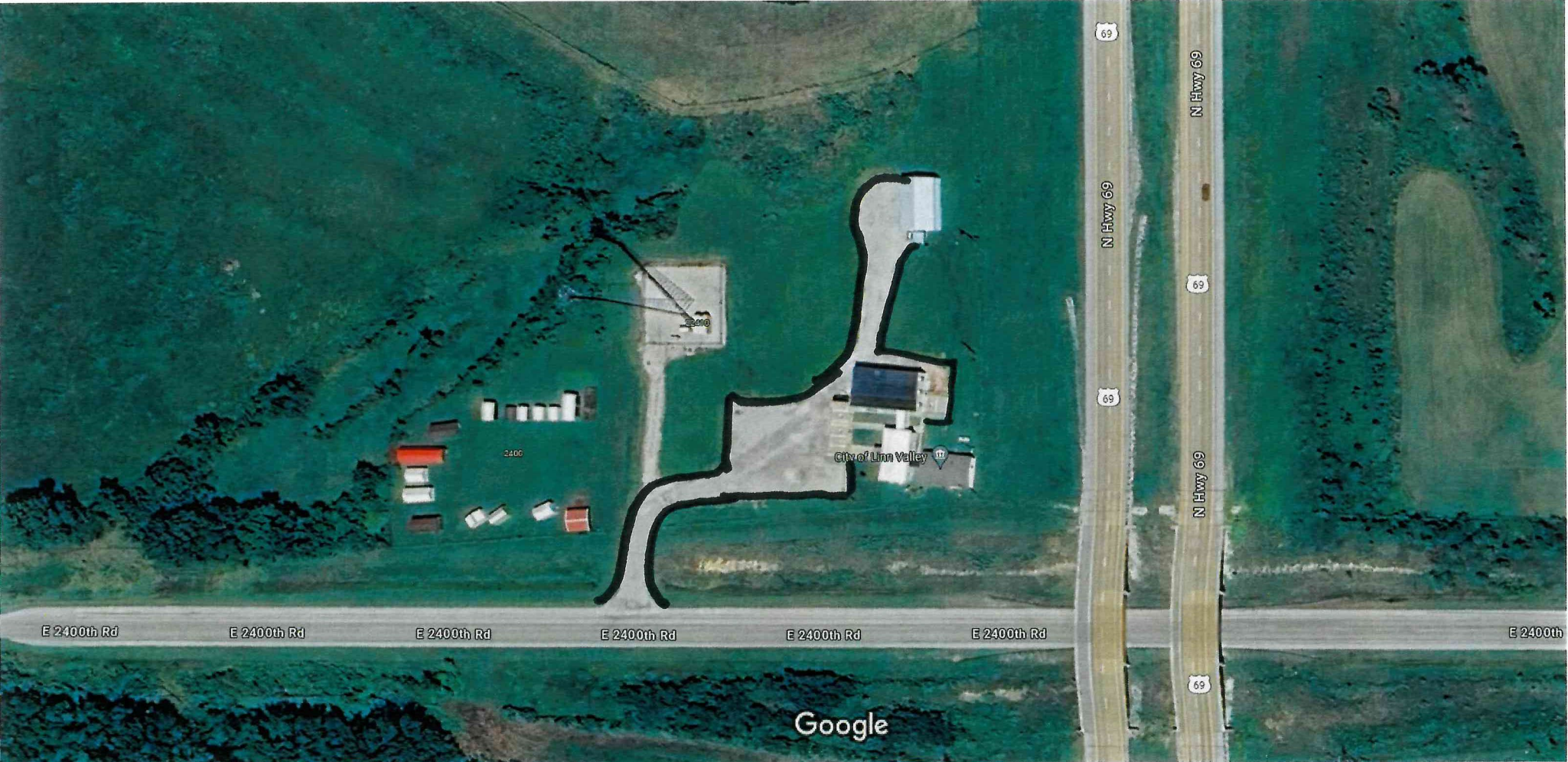
Date: _____

Date: _____

By: _____
City of Linn Valley

By: _____
VanVlack Lawn Care Service







City of Linn Valley
City Owned Cell Phone Policy

The purpose of this policy is to provide guidance regarding the use of City issued cell phones. It is the policy of the City to entrust employees and council members with communications equipment for productivity. It remains the responsibility of the employees and council members to always be professional and courteous while using the City issued equipment.

The use of this cell phone creates data that is stored on the device, including: emails, text messages, and phone logs. This cell phone, issued by the City of Linn Valley, can (in most cases) become a public record and is subject to possible disclosure under the Kansas Open Records Act. It is the responsibility of the employees or council members to ensure that all data related to City business is retained consistent with this policy and all City rules, regulations, policies, and procedures.

Employees and/or council members have no right to privacy with respect to the use of City owned cell phones. This includes all voicemails, social media messages, emails, text messages, call history, and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The City has the right to inspect all City owned cell phones used by the employee and/or council member for such information at any time and without notice.

Prohibited use of City owned cell phones. Cell phones provided by the City are the property of the City and are to be used to conduct City business as outlined below:

- A. Personal use is prohibited except for work related situations, such as unexpected overtime or family emergencies. These calls should be infrequent and brief.
- B. Engaging in personal profit or personal business ventures that are unrelated to City operations.
- C. Accessing, downloading, and sharing inappropriate, discriminatory, derogatory, sexual, illegal, unethical or offensive material.
- D. Installing or using non-work-related applications (e.g. Facebook, Instagram, TikTok, X, Pinterest, Lemon 8) games, entertainment, blogs, jokes, or gambling platforms that are not that are not part of job responsibilities.
- E. Cell Phone use and text messaging with a City owned or privately owned cell phone is prohibited while the employee is operating a City owned motor vehicle.
- F. Employees or council members who are charged with traffic violation while using the city owned cell phone will be solely responsible for all associated liabilities.
- G. Unauthorized sharing or leaking of City information to outside sources.

Security and Confidentiality. City owned cell phones will have access to confidential City information.

- A. All phones must be password protected. Log-in information must be recorded with the City Clerk.
- B. Never leave City owned cell phones unattended in public places.
- C. Do not store personal confidential information on the city owned cell phone.

Employee/Councilmember Responsibilities.

- A. Protect City owned cell phone from theft, loss or damage
- B. Immediately report loss or theft of a City owned cell phone.
- C. Immediately return the City owned cell phone if it is determined that the phone is no longer necessary or upon leaving employment with the City.

RECEIPT OF THE CITY OF LINN VALLEY CITY OWNED CELL PHONE POLICY

Please read the policy carefully to ensure that you understand the policy before signing this document.

I certify that I have received a copy of the City of Linn Valley City Owned Cell Phone Policy. I understand that it is my responsibility to read and comprehend this policy. I read and understand the content, requirements, and expectations of the Policy and I agree to abide by the Policy guidelines. I understand that if at any time I have questions regarding the Policy, I will consult with the proper Administration.

I agree to observe and follow the City Owned Cell Phone Policy. I understand that failure to abide by the policy could result in disciplinary actions.

Employee and/or Councilmember Name (Signature)

Employee and/or Councilmember Name (Print)

Department

Date